



Supreme Court of Florida

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February 6, 2017

Ms. Cheryle Dodd, Editor
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

In Re: AMENDMENTS TO THE FLORIDA RULES OF JUDICIAL
ADMINISTRATION - 2017 REGULAR-CYCLE REPORT,
Case No. SC17-155

Dear Ms. Dodd:

I have provided you with a copy of the proposed Rules in the above case. Please publish said Rules in the March 1, 2017, Bar News. Please publish a statement that the Court has placed the proposed Rules on the Internet at location: **http://jweb.flcourts.org/pls/docket/ds_docket_search**.

Any comments should be filed with the Supreme Court on or before April 3, 2017. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Portal in accordance with AOSC13-7. If filed by a non-lawyer or a lawyer not licensed to practice in Florida, the comment must be electronically filed via e-mail in accordance with AOSC04-84. Electronically filed documents must be submitted in Microsoft Word 97 or higher. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court.

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Thank you for your cooperation in this matter.

Most cordially,

A handwritten signature in dark ink, appearing to be 'JAT', followed by a horizontal line extending to the right.

John A. Tomasino

JAT/ks

Enclosure

cc: Honorable Steven Scott Stephens, Chair, Rules of Judicial Administration Committee
Honorable Ricky L. Polston, Supreme Court Justice Liaison
Honorable Ramón A. Abadin, President, The Florida Bar
Honorable William J. Schifino, Jr., President-elect, The Florida Bar
John F. Harkness, Jr., Executive Director, The Florida Bar
Krys Godwin, Bar Staff Liaison
Lori Holcomb, Division Director Ethics and Consumer Protection
Honorable Laurel Lee, Chair, Family Law Rules Committee
Kristin Ann Norse, Chair, Appellate Court Rules Committee
Alison Verges Walters, Chair, Small Claims Rules Committee
Chief Judges of the District Courts of Appeal
Clerks of the District Courts of Appeal
Chief Judges of the Judicial Circuits
Clerks of the Judicial Circuits
Deborah J. Meyer, Central Staff Director

The Florida Bar's Rules of Judicial Administration Committee (Committee) has submitted to the Florida Supreme Court a regular-cycle report proposing a number of amendments to Florida Rules of Judicial Administration 2.140 (Amending Rules of Court); 2.510 (Foreign Attorneys); and 2.516 (Service of Pleadings and Documents).

The Court invites all interested persons to comment on the proposed amendments, which are summarized below and reproduced in full online at <http://www.floridasupremecourt.org/decisions/proposed.shtml>. All comments must be filed with the Court on or before April 3, 2017, with a certificate of service verifying that a copy has been served on the Committee Chair, Hon. Steven Scott Stephens, Edgecomb Courthouse, Ste. 522, 800 E. Twiggs Street, Tampa, Florida 33602, division1@fljud13.org, and on the Bar Staff Liaison to the Committee, Krys Godwin, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, kgodwin@flabar.org, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. The Committee Chair has until April, 24, 2017, to file a response to any comments filed with the Court. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal in accordance with In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment must be electronically filed via e-mail in accordance with In re Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84 (Sept. 13, 2004). Electronically filed documents must be submitted in Microsoft Word 97 or higher. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE FLORIDA RULES OF JUDICIAL ADMINISTRATION - 2017 REGULAR-CYCLE REPORT, CASE NO. SC17-155

RULE/FORM	EXPLANATION
Rule 2.140.	Amends subdivision (a)(4) to more clearly define the requirements

RULE/FORM	EXPLANATION
(Amending Rules of Court)	<p>for membership within a rule of procedure committee and clarifies the role of the voting committee liaison members within the Rules of Judicial Administration Committee. Amends subdivision (a)(5) to clarify: that rule amendments may originate by committee members or from others; the procedure of approving proposed rule amendments; the requirement for record keeping, and distribution and sharing of the records with other committees. Amends subdivision (a)(6) to redefine the role of the Rules of Judicial Administration Committee review of all committees' proposed rules: requires a review of all rules for possible general or common application; confirms the requirement for regular and prompt communication between committees regarding the Rules of Judicial Administration Committees reviews and referrals to other committees possibly being impacted by proposed rules; establishes the time-line for the Rules of Judicial Administration Committee's review and the procedure for communication of that review. Proposes procedures to share that review with the Board of Governors and the supreme court.</p> <p>Amends many other subdivisions of this rule to more clearly detail the procedure for rules of procedure amendments. Generally, the chair and vice chair terms are pluralized; the word "Internet" is deleted; "News" referring to <i>The Florida Bar News</i> is italicized; "The" for The Florida Bar is capitalized where appropriate; "hearing" is changed to "oral argument" throughout; and "of this rule" is deleted when not necessary because no other rule is cited to lead to confusion. Specifically, subdivision (a)(2) requires proposed rule amendments be submitted to the committee chair and attorney staff liaison of the pertinent committee. Subdivision (b) title is amended to define the procedure for 3-year cycle reports; extends the time for committees to review comments received by 16 days; clarifies the publication requirement; Bar staff liaison is included as a receiver of comments, notices, and filings; and includes a necessary inclusion of The Florida Bar Executive Director as a required party in the filings. Subdivision (e) is renamed as Committee Out-of-Cycle Reports and two types of filings are detailed: filings stimulated by an emergency or in response to a legislative amendment that are time-sensitive enough that they must be filed with the court without prior publication by the committee; and filings stimulated by a non-emergency, yet time-sensitive, concern that cannot wait for the committee's 3-year cycle report schedule yet is not an emergency so the matter may be published by the committee and comments will be considered prior to submission to the court.</p>
Rule 2.510. (Foreign	Amends subdivision (a) (Eligibility) by adding a sentence to clarify

RULE/FORM	EXPLANATION
Attorneys)	<p>that the rule does not apply to foreign attorneys who are permitted to be named or appear by federal law (<i>i.e.</i>, Federal Attorney General or Solicitor General of the United States).</p> <p>Amends paragraph 10 of the Verified Motion form to update the term “disciplinary resignation” to the current “disciplinary revocation” per the Rules Regulating the Florida Bar. (101 So. 3d 807.)</p>
Rule 2.516. (Service of Pleadings and Documents)	<p>Amends subdivision (b)(1)(E)(i) (Format of E-mail for Service) by adding “and case style” in the subject line of the e-mail used for service of any document.</p> <p>Amends subdivision (b)(2) (Service by Other Means) by providing an option to note the inability to serve a party within the certificate of service and providing information of where a copy of the served document may be obtained.</p>